

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## ***RULES CLEARINGHOUSE***

**Ronald Sklansky**  
Director  
(608) 266-1946

**Richard Sweet**  
Assistant Director  
(608) 266-2982



**David J. Stute, Director**  
Legislative Council Staff  
(608) 266-1304

One E. Main St., Ste. 401  
P.O. Box 2536  
Madison, WI 53701-2536  
FAX: (608) 266-3830

## **CLEARINGHOUSE RULE 99-083**

### **Comments**

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

a. The analysis accompanying the rule cites s. 23.09 (2), Stats., as authorizing rule-making. The reference to sub. (2) is unduly broad as that subsection contains other provisions in addition to the authority to adopt rules; s. 23.09 (2) (intro.) should be cited.

b. The analysis accompanying the rule cites s. 23.09 (2), Stats., as one of the statutes interpreted by the rule. Since the rule does not address the subject matter in all 14 paragraphs in s. 23.09 (2), the department should identify in the analysis the specific paragraphs in sub. (2) that the rule interprets.

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. In the second paragraph of the analysis, the phrase “applies to Department owned, eased and leased land and facilities” should be replaced by the phrase “applies to land and facilities owned, acquired by easement or leased by the department.”

b. In s. NR 45.02 (1) (c), the word “to” should be inserted after the word “easement.”

c. Section NR 45.04 (3) (m) provides that no person may construct, place, occupy or use structures or store personal property on lands subject to ch. NR 45, except as authorized by the department. Presumably, the department envisions standards or guidelines by which

exceptions may be made. These standards or guidelines should be placed in the Wisconsin Administrative Code. [See also ss. NR 45.04 (3) (n) and 45.09 (7).]

d. In s. NR 45.06 (3m), the word “their” should be replaced by the phrase “the person’s.”

e. The department should review the phrase “except for blinds used exclusively for waterfowl hunting as provided in s. 29.327 (1) (a), Stats.” in s. NR 45.09 (2) to ensure that the phrase is unambiguous. The reference in this phrase to s. 29.327 (1) (a), Stats., is to the statutory definition of “blind.” Regulations governing the use of waterfowl blinds are given in s. 29.327 (2), Stats. Thus, it appears that the phrase should be modified to end either with “as provided in s. 29.327 (2), Stats.” or “as defined in s. 29.327 (1) (a), Stats.”

f. In s. NR 45.09 (7), the phrase “that are” should be inserted after the word “chapter.”

g. In s. NR 45.10 (1) (a), does the phrase “when posted open to camping” apply to the entire series of properties mentioned in the first sentence or only to state-owned islands outside of state forest boundaries? This should be clarified.

h. The department should review the legal description of Ottawa Lake in s. NR 45.11 (6) (m) to ensure that it is complete. The reference to Ottawa Lake that is repealed by the rule in s. NR 45.11 (4) (h) states that this lake is in SECTIONS 27 and 33 as well as SECTION 34 in the specified town.

i. In s. NR 45.13 (14) (b) (intro.), the word “launches” should be replaced by the phrase “launching sites specified in par. (a).”